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| 09/389,858 | 09/02/1999 | ROBERT BARRITZ | P/1318-38 | 5968 |

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EXAMINER

ELISCA, PIERRE E

| ART UNIT | PAPER NUMBER |
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3621

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 11

Application Number: 09/389,858

Filing Date: September 2, 1999

Appellant(s): Robert Barritz

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GROUP 3600

Max Moskowitz

For Appellant

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EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/21/2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that first group of claims, 1-17, 19-26, 38, 44, 45, 50, 51, 55 and second group of claims 27-37, 39, 41, 42, 43, 46, 47-49, 52-54, 56-60 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

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The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

| | | |
|-----------|-------------|---------|
| 6,138,139 | Beck et al. | 10/2000 |
| 6,144,954 | Li | 11/2000 |

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-17 and 19-60 rejected under 35 U.S.C. 103 (a). This rejection is set forth in prior Office Action, Paper No. 7.

(11) Response to Argument

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 10 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 and 19-60 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Beck et al. (U.S. Pat. No. 6,138,139) in view of Li (U.S. Pat. No. 6,144,954).

As per claims 1, 3, 4, 9-12, 14-17, 19, 20, 22-30 and 32-60, Beck substantially discloses a method/apparatus for supporting diverse interaction paths within a multimedia communication center (CINOS) fig 1, wherein a plurality of communication centers such as center 17 cooperatively service a

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common pool of customers. Enterprises involved in commerce such as large financial institutions hosting many geographically separate communication centers (which is readable as Applicant's claimed invention wherein said a method for assessing the financial ownership of a configuration of at least one computer data center defined by a plurality of elements, through the use of systematic, computer assisted procedures, the method comprising the steps of:

modeling elements of a data center configuration on a computer by identifying to the computer the elements of a given configuration (see., abstract, col 7, lines 1-2, col 8, lines 1-11);

providing in a knowledge base financial information (see., abstract, col 10, lines 54-67, col 11, lines 1-16);

correlation information in the knowledge base (see., col 12, lines 28-35);

outputting at least a portion of the configuration and at least a portion of the associated information to a user (see., col 12, lines 36-46). **Beck** does teach a knowledge base to achieve desired interaction within a financial institution, but he fails to specifically disclose a knowledge base for configuring financial cost within an institution. **Li** discloses an expert system that has a knowledge base, an inference engine, a knowledge acquisition module, and explanatory interface for rapidly generating, reliable, low cost knowledge bases. These knowledge bases, including the self-optimized, numerical values (see., col 13, lines 61-67, col 14, line 1-11, lines 32-54). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the financial institution of **Beck** by including an expert system or artificial intelligence as taught by **Li** because such modification would provide the financial institution of **Beck** with an expert system or Knowledge base that can generate automatically its own knowledge bases, and which immediately and continuously replaces these new knowledge bases with still newer and more accurate knowledge bases for continuously optimal results (see **Li**, col 4, lines 1-6). This would have been obvious

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because **Beck and Li** both are directed toward knowledge base, in order to calculate such as low cost and numerical values, and one of ordinary skill in the art would have recognized these similarities and concluded that they are from the same field of endeavor. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate an expert system or knowledge base as taught by **Li** into the financial institution of **Beck** because it is the basic definition of an expert system, it is comprised of an knowledge base for calculating data or numerical data, an inference engine to provide advises.

As per claims 2, 5-8, 13, 21 and 31 Li discloses the claimed method, including performing the modeling step and the correlating step by means of a substantially automatic software controlled process and the correlating step including calculating the ownership costs over selected time periods (see., col 5, lines 18-45, fig 1).

On 10/19/2001, paper # 7, Applicant's amended claim 17 as follow: "wherein said associated information stored in said configuration storage includes financial information concerning at least one of the location system, device group and device of said configuration". However, this limitation is also disclosed by **Beck** in the abstract, lines 1-14, database, col 8, lines 1-11.

A. Applicant's representative argues that **Beck** does not teach or suggest: "multimedia communication center":. As specified by the Examiner in the Office action mailed on 07/13/2001, page 3, this limitation is disclosed by **Beck** in the abstract, specifically wherein it is stated that a method/apparatus for supporting diverse interaction paths within a multimedia communication call center.

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B. Applicant's representative argues that the prior art of record do not teach or suggest: "computer knowledge base". However, the Examiner respectfully disagrees with the Applicant's representative because this limitation is disclosed by Beck in the abstract, col 10, lines 54-67, col 11, lines 1-16.


C. Applicant's representative also argues that the prior art of record do not teach or suggest: "financial cost of ownership". As specified by the Examiner in the Office action mailed on 07/13/2001, page 3, this limitation is disclosed by Li in col 13, lines 61-67, col 14, lines 1-11, lines 32-54, specifically wherein it is stated that an expert system that has a knowledge base, an inference engine, a knowledge acquisition module, and explanatory for rapidly generating, reliable, low cost knowledge bases.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Pierre Eddy Elisca

July 08, 2002


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